IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

Writ Petition No. 6099 of 2004

Madhav G More and anr....Petitioners

vs

Indian Oil Corpn and ors..Respondents

Mr Ajit K Kenjale for A S Kapse for petitioners

Mr. P M Patil AGP for State

Mr Vinod Tayade for respondent no.4

CORAM:A.P.SHAH & S.C.DHARMADHIKARI JJ.

Dated l9.l0.2004

P.C:

Heard learned advocate for the petitioners. Respondent no.l and their advocate absent despite service.

The learned counsel for the petitioners drew our attention to the order passed by this court in Devidas Jairam Somase vs. Indian Oil Corporation Ltd and ors (Writ Petition No.l584 of 2000 decided on 29.9.2004 with companion petitions). In Para 7 of the order the Bench observed as follows:

> "In the circumstances, both the petitioners were not eligible to the employment as per the policy. We

therefore do not find any error on the part of the respondent no.l Corporation in the decision that they have taken. The petitions are dismissed. Interim order in Writ Petition No.l584 of 2000 stands vacated. The lst respondent Corporation will proceed to fill the vacancy which has been kept vacant under the orders of the court by allotting it to Vinod More who was otherwise found to be eligible person".

(emphasis supplied)

The 2nd petitioner is the same Vinod More for whom post has been reserved by the respondent no.l.

In view of the fact that the present lst petitioner is found eligible for the post we direct the lst respondent to appoint the 2nd petitioner on the said post as per the statement made by the Corporation. Appointment shall be made within a period of 2 months from today.

Petition is accordingly disposed of.